

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>BRIAN BELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:16-cv-00501-JDL</b>
	)	
<b>O'REILLY AUTO</b>	)	
<b>ENTERPRISES, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

**REPORT OF FINAL PRETRIAL CONFERENCE AND ORDER**

A final pretrial conference was held on Monday, June 11, 2018, in Portland, Maine, before Judge Jon D. Levy. Chad T. Hansen, Esq. and Allan Townsend, Esq. appeared for the Plaintiff and Christopher C. Taintor, Esq. appeared for the Defendant. The following matters were addressed and will govern the trial of this case.

**I. Case Description**

The Plaintiff, Brian Bell, was the manager of the Defendant O'Reilly Auto Enterprises, LLC's ("O'Reilly Auto") store in Belfast, Maine for approximately one year. Bell asserts that he has been diagnosed with Attention Deficit Hyperactivity Disorder, Tourette Syndrome, and Major Depressive Disorder. To alleviate his symptoms Bell's healthcare provider proposed a scheduling accommodation in June 2015, which requested that O'Reilly Auto limit Bell's work schedule to 45 hours per week, but permitted him to occasionally work more unscheduled hours. In his Amended Complaint, Bell contends that O'Reilly Auto, in the course of processing and denying his accommodation request, violated the Americans with Disabilities Act (the "ADA"), 42 U.S.C.A. § 12101, *et seq.* (2018) and the Maine Human Rights Act (the "MHRA"), 5 M.R.S.A. § 4551, *et seq.* (2018).

Specifically, Bell claims that O'Reilly Auto discriminated against him based on his disability; retaliated against him based on his request for accommodation; and unlawfully failed to accommodate his request for accommodation.

## **II. Trial Preparation**

- A. Discovery. The discovery is complete.
- B. Motions in Limine. Any motions in limine shall be filed by Tuesday, June 19, 2018, and any objections shall be filed by Tuesday, June 26, 2018.
- C. Maximum Number of Trial Days. The case will require five (5) full trial days.

## **III. Trial Schedule**

- A. Trial Period. The case will be tried beginning Monday, July 16 and end on Friday, July 20, 2018.
- B. Jury Selection. The jury will be selected Tuesday, July 10, 2018. At conference, the parties consented to the Magistrate Judge presiding at Jury Selection.
- C. Trial Protection Periods. The case will not be subject to trial on the following dates during the trial period: N/A
- D. Settlement Notice. The parties shall inform the Clerk's office whether the case is settled or firm for trial by Tuesday, July 3, 2018.

## **IV. Trial Process**

- A. Stipulations. The parties shall file any agreed-to stipulations by Tuesday, July 3, 2018.
- B. Depositions. The parties shall exchange designated deposition transcripts or videos that they intend to use at trial by Tuesday, June 26, 2018. Any objection to the admissibility of a deposition transcript or video shall be filed by written motion by Tuesday, July 3, 2018.
- C. Exhibits. The parties shall exchange exhibits by Tuesday, July 3, 2018. The parties shall jointly prepare a consolidated list of all exhibits to be offered at trial, employing the form available on the

Court's website— <http://www.med.uscourts.gov/> —by Friday, July 6, 2018. In a jury case, the original set of exhibits is ordinarily sufficient and shall not be filed before trial; in a non-jury case, one extra set shall be filed. *See* Local Rule 16.4(d).

- D. Witnesses. Each party shall file its witness list by Tuesday, July 3, 2018. For each witness, the list shall indicate (i) the witness's name and address; (ii) whether the witness is a fact witness or an expert witness; (iii) a concise statement of the general subject matter of the witness's testimony; and (iv) an estimate of the time required for the direct examination of the witness.
- E. Jury Voir Dire. The parties shall file any proposed supplemental voir dire questions for the jury panel by Tuesday, July 3, 2018. The parties are requested not to propose questions that are addressed in the Confidential Jury Questionnaire. The juror's completed Confidential Jury Questionnaires will generally be available for inspection at the Clerk's Office or electronically on CM/ECF at least three working days prior to jury selection.
- F. Jury Instructions. The parties shall submit proposed jury instructions by Tuesday, July 3, 2018. Proposed instructions shall be stated in separate paragraphs and numbered sequentially. Following the text of a proposed instruction, any applicable statutory or case authority for the requested instruction shall be provided. The opposing party may submit a concise statement of any opposing authority by Friday, July 6, 2018.
- G. Special Verdict Form. If a verdict form is requested, the parties shall prepare an agreed-upon verdict form and submit the same to the court by Tuesday, July 3, 2018. In the absence of an agreement, the parties shall submit separate proposed special verdict forms by that date.
- H. Juror Notebooks. The Court may permit the jurors to take notes in individual notebooks. The notebooks include a glossary of common legal terms such as "sidebar," and a guide entitled "Suggestions for Jury Deliberation." The parties are encouraged to review the glossary and submit by Tuesday, July 3, 2018, any proposed additional glossary terms that are specific to the case

and would be helpful to the jury. Any objection to the use of the glossary, guide, or proposed additional glossary terms shall be submitted by Friday, July 6, 2018.

- I. Trial Management Conference. The parties may request an additional trial management conference by contacting the Clerk's office.

**SO ORDERED.**

**Dated this 11th day of June, 2018.**

/s/ Jon D. Levy  
**U.S. DISTRICT JUDGE**